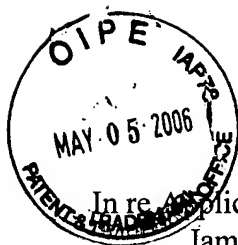


IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James E. Mickelson et al.

Serial No.: 10/671,033

Filed: September 25, 2003

For: CORROSION-RESISTANT AND
STAIN-RESISTANT
COMPONENT AND METHOD
FOR MANUFACTURING SAME

§
§ Group Art Unit: 3682
§
§
§ Examiner: Footland, Lenard A.
§
§
§ Atty. Docket: REEL:0050/YOD/EUB
§ 03RE135
§

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
May 1, 2006 Date	 Stephanie Shamgar

**PETITION FOR WITHDRAWAL OF PREMATURE FINAL REJECTION
PURSUANT TO 37 C.F.R. § 1.181 AND M.P.E.P. §1002.02(c)**

Applicants respectfully request that the finality of the Office Action dated March 29, 2006, be withdrawn. No fee is believed to be due for the instant petition. However, the Commissioner is authorized to charge any fees which may be required to Account No. 01-0857, Order No. 03RE135/YOD (REEL:0050).

Applicants respectfully point out that the finality of this Office Action is premature. In the previous Office Action dated December 21, 2005, the Examiner rejected claims 1, 2, 6, and 27, and objected to claims 3, 4, and 30 for depending from a rejected base claim, but indicated that claims 3, 4, and 30 each contain allowable subject matter. See Office Action mailed December 21, 2005, page 4. In response to that Office Action, Applicants placed the application in condition for allowance. See Response to

Office Action filed February 17, 2006, page 4. However, the Examiner has now issued a new Office Action withdrawing the previous indication of allowable subject matter and instituting a new ground of rejection based on a new reference. *See* Office Action mailed March 29, 2006, page 2. Applicants respectfully note that M.P.E.P. § 706.07(a) recites:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

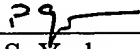
Applicants respectfully note that the new ground of rejection provided in the Office Action mailed March 29, 2006, was neither necessitated by Applicants' amendments to the claims nor based on information submitted in an information disclosure statement. Thus, in view of the M.P.E.P. § 706.07(a), the finality of this rejection is clearly premature. Accordingly, Applicants respectfully request that the Technology Center Director instruct the Examiner to withdraw the premature finality of the present Office Action.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: May 1, 2006



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